

**IN THE CLAIMS:**

The text of all pending claims, (including withdrawn claims) is set forth below. Cancelled and not entered claims are indicated with claim number and status only. The claims as listed below show added text with underlining and deleted text with ~~striketrough~~. The status of each claim is indicated with one of (original), (currently amended), (cancelled), (withdrawn), (new), (previously presented), or (not entered).

Please AMEND claims 1 and 8 in accordance with the following:

1. (Currently Amended) A network server load detection method comprising:  
monitoring a communication at a point between a client and a server, the communication being from the client to the server, and the communication including at least one connection having a communication data size;  
detecting a change in the communication data size of the at least one connection of the client and server, wherein the communication data size of the connection is a total packet size per connection over a set measurement time;  
recording a maximum size value of the communication data size of the at least one connection;  
judging, if the detected change of the communication data size of the at least one connection decreases below a predetermined proportion of the recorded maximum size value, that said server is under a high load;  
managing the load of the server according to the judgment of the high load; and  
repeating the detecting and recording ~~steps~~ in response to the server not being judged to be under a high load.

2. (previously presented) A network server load detection method according to claim 1, further comprising counting a number of connections including the at least one connection and the communication data size until a monitored count of communications reaches a monitored communication minimum count and until a count time reaches a monitor minimum time.

3. (previously presented) A network server load detection method according to claim 1, further comprising recognizing communications of a start and end of the connection, and excluding communication data sizes of the start and end of the connection from the calculated load.

4. (previously presented) A network server load detection method according to claim 1, further comprising:

retaining information of the communication of the start of connection till the connection is ended or established;

detecting the communication of the start of connection for re-connection executed when judging that said client fails to connect on the basis of the information retained; and

setting a rate at which the communication of the re-connection occupies the number of the communications of the start of connection as a load of said server and, if this rate is high, judging that said server is under the high load.

5. (previously presented) A network server load detection method according to claim 1, further comprising:

obtaining a distribution of the communication data sizes from said clients;

distinguishing between extremely small pieces of communication data unrelated to the load of said server from the communication data size distribution; and

eliminating the extremely small pieces of communication data from the judgement about the load.

6. (previously presented) A network server load detection method according to claim 1, further comprising:

obtaining a sequence number from the communication to said server from said client;

retaining a maximum value of the sequence number till the connection is ended since the start of connection;

comparing the sequence number of the communication received with the sequence number retained; and

excluding, if the sequence number obtained from the communication is smaller than the sequence number retained, this communication from counting.

7. (previously presented) A network server load detection method according to claim 6, further comprising:

counting, if the sequence number obtained from the communication is smaller than the sequence number retained, the communication data after executing a weighting process thereon, or predicting a communication data size when there is no problem on a route from the two sequence numbers, and counting the predicted data size for detecting the load.

8. (Currently Amended) A network server load detection method comprising:  
monitoring a communication at a point between a server and a client, the communication being from the server to the client, and counting a receivable data size and a connection count of which said server notifies said client;  
calculating the receivable data size per connection as a server load, wherein the receivable data size per connection is a total window size per connection over a set measurement time;  
storing a maximum value of the receivable data size per connection of the monitored communication;  
judging, if the receivable data size per connection becomes smaller than a predetermined proportion of the stored maximum value, that said server is under a high load;  
managing the load of the server according to the judgment of the high load; and  
repeating the calculating and storing steps in response to the server not being judged to be under a high load.

9. (previously presented) A network server load detection system for monitoring a communication at a point between a client and a server, the communication being from the client to the server, and detecting a load state of said server, comprising:  
data size calculating means for calculating a size of communication data per connection, wherein the communication data size of the connection is a total packet size per connection over a set measurement time;  
storage means for detecting a change in the communication data size per connection of the client and server, and storing a maximum value of the communication data size per connection;  
load detection means for detecting a high load of said server when the detected change of the communication data size per connection becomes smaller than a predetermined proportion of the maximum value; and  
load management means for managing the load of the server according to the detection of the high load.

10. (cancelled)

11. (cancelled)

12. (cancelled)

13. (cancelled)

14. (cancelled)